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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,427	02/11/2002	Srinivas Bette		9101

7590 08/11/2005
Srinivas Bette
5856 Bridle Bend Ct.
Plano, TX 75093

EXAMINER

MCCLELLAN, JAMES S

ART UNIT PAPER NUMBER

3627

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,427

Applicant(s)

BETTE ET AL.

Examiner

James S. McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment on May 20, 2005 was entered, wherein:
claims 17-29 are pending and
claims 17 and 25 have been amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17-24 the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 17-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

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invention. Applicant's addition of the limitation "Working Stress Design method" in claim 1 (fifth module) is New Matter and does not appear to be disclosed in the original disclosure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,680 (Kim) in view of U.S. Patent No. 6,560,499 (Demmer).

Regarding **claim 17**, Kim discloses a product design system operable on a digital computer for performing engineering design calculations including: a first module for inputting project parameters (see Figure 6, "Pipe Data"); a second module for inputting load calculation parameters (see Figure 6, "Design Load & Pressure"); a third module for inputting range of materials (see Figure 6, "Material Property"); a fourth module for inputting commercial limitation parameters (see Figure 6, "Design load & Pressure"); a fifth module for inputting design parameters and a design method (see Figure 6, "Design load & Pressure"; see also Figure 19); a sixth module for performing design calculations (see Figure 20); a first interface for providing strength and materials data (see Figure 6 and Figure 20); a second interface for comparing product design parameters with market data for existing products (see Figure 18); **[claim 18]** list all product designs (see Figure 17); **[claim 20]** said system is adapted for fluid pipeline design (see Abstract); **[claim 21]** said third module receives parameters for pipeline

materials (see Figure 6); **[claim 22]** perform calculations to determine pipe specifications (see Figure 20).

Kim fails to disclose comparing pipe design to products in the market and selecting products that meet the design.

Demmer teaches an integrated engineering design and management system that allows for material procurement based on engineering design input (see column 16, lines 10-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim with integrated product procurement as taught by Demmer, because integration of product procurement increases the efficiency of the total project, wherein reducing costs and potential purchasing errors.

Claims 25-29 directed to a method for performing engineering design calculations an integrating market data are disclosed by the combination of Kim and Demmer as set forth above for system claims 17-24.

Response to Arguments

8. Applicant's arguments filed on May 20, 2005 have been fully considered but they are not persuasive.

On page 8, Applicant argues that neither Kim nor Demmer teach the possibility of using and integrating market data in the design process itself so that the design results are different and optimized for specified commercial parameters. The Examiner respectfully disagrees. Kim utilizes commercial material information and cost information for optimizing the design (see column 4, lines 24-42; see paragraph bridging columns 7-8).

On page 9, item #1, Applicant argues that the commercial parameters required in fourth and fifth modules of claim 1 are lacking from the prior art. Without conceding that Kim in combination fail to teach the commercial parameters, it is noted that the claim have been rejected under 35 U.S.C. § 112 (first and second paragraphs) for new matter and the use of the term “such as”. It is the Examiner’s position that Kim discloses the use of commercial parameters including cost (see Figure 18) and material properties (see Figure 6). Additionally, it is noted that Kim discloses utilizing equations related to load and pressure (se Figure 6).

On page 9, items #2-4, Applicant argues that the design calculations required in claim 25 (b, c, d, & g) are lacking from the prior art. It is the Examiner’s position that Kim discloses performing design calculations using different methods that incorporate market data (material properties and cost) as set forth above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

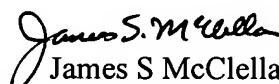
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James S McClellan
Primary Examiner
Art Unit 3627

jsm
8/5/05